IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3633 OF 2006.

1. Smt.Prerna Pandurang Redkar
2. Shri Pandurang Sakharam Redkar ..Applicants.

V/s

State of Maharashtra ..Respondent.

Ms. K.R. Yadav for the applicants.
Mr. P.A. Pol, APP for the respondent.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 7TH OCTOBER, 2006.

P.C.

. This matter was placed before me yesterday and was adjourned till today to enable the applicants/original appellants to serve the complainant.

2. However, an affidavit has been filed pointing out that the personal service could not be effected on the complainant. On enquiries the information given is that he has left the residential premises and shifted elsewhere.

3. Applicants are original Appellants in Criminal Appeal No. 205/2006 which is directed against an order of conviction and sentence passed by Metropolitan

Magistrate 31st Court Vikroli, Mumbai upon a complaint alleging offences punishable under Sections 138 r/w section 141 of Negotiable Instruments Act and section 420 of Indian Penal code.

4. The Appeal is admitted. The applicants are released on same bail as that in the trial Court with fresh bonds. However, the appellants were not present when the appeal was listed for hearing before the learned Sessions Judge. The learned Sessions Judge has noted in the order that the applicants remained absent on 12th September, 2006. The matter was adjourned to 15th September, 2006 and thereafter the non-bailable warrant came to be issued against the applicants.

5. The applicants preferred an application for cancellation of that warrant pointing out that they were not aware of the matter being transferred to the Court at Kurla. As soon as, they came to know they appeared and presented an application.

6. The applicants no doubt could have diligently followed up the matter with their advocate. However, the Trial Court was not right in straight way concluding

that the applicants' version cannot be believed. Be that as it may, the learned counsel appearing for the applicants before me makes a statement that the applicants would remain present with their Advocate before the learned Sessions Judge on 11th October, 2006 and shall not seek any adjournment. It is on this conditions that non-bailable warrants issued against the applicants stand cancelled.

7. Application is disposed of.

(S.C.DHARMADHIKARI, J.)